

Article - Criminal Law

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§5–609.

(a) Except as otherwise provided in this section, a person who violates a provision of §§ 5–602 through 5–606 of this subtitle with respect to any of the following controlled dangerous substances is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding \$15,000 or both:

- (1) phencyclidine;
- (2) 1–(1–phenylcyclohexyl) piperidine;
- (3) 1–phenylcyclohexylamine;
- (4) 1–piperidinocyclohexanecarbonitrile;
- (5) N–ethyl–1–phenylcyclohexylamine;
- (6) 1–(1–phenylcyclohexyl)–pyrrolidine;
- (7) 1–(1–(2–thienyl)–cyclohexyl)–piperidine;
- (8) lysergic acid diethylamide; or
- (9) 750 grams or more of 3, 4–methylenedioxymethamphetamine (MDMA).

(b) A person who is convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section is subject to imprisonment not exceeding 20 years or a fine not exceeding \$15,000 or both if the person previously has been convicted once:

- (1) under subsection (a) of this section or § 5–608 of this subtitle;
- (2) of conspiracy to commit a crime included in subsection (a) of this section or § 5–608 of this subtitle;
- (3) of a crime under the laws of another state or the United States that would be a crime included in subsection (a) of this section or § 5–608 of this subtitle if committed in this State; or

(4) of any combination of these crimes.

(c) (1) A person who is convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section is subject to imprisonment not exceeding 25 years or a fine not exceeding \$25,000 or both if the person previously:

(i) has served at least one term of confinement of at least 180 days in a correctional institution as a result of a conviction under subsection (a) of this section, § 5–608 of this subtitle, or § 5–614 of this subtitle; and

(ii) if the convictions do not arise from a single incident, has been convicted twice:

1. under subsection (a) of this section or § 5–608 of this subtitle;

2. of conspiracy to commit a crime included in subsection (a) of this section or § 5–608 of this subtitle;

3. of a crime under the laws of another state or the United States that would be a crime included in subsection (a) of this section or § 5–608 of this subtitle if committed in this State; or

4. of any combination of these crimes.

(2) A separate occasion is one in which the second or succeeding crime is committed after there has been a charging document filed for the preceding crime.

(d) A person who is convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section is subject to imprisonment not exceeding 40 years or a fine not exceeding \$25,000 or both if the person previously has served three separate terms of confinement as a result of three separate convictions:

(1) under subsection (a) of this section or § 5–608 of this subtitle;

(2) of conspiracy to commit a crime included in subsection (a) of this section or § 5–608 of this subtitle;

(3) of a crime under the laws of another state or the United States that would be a crime included in subsection (a) of this section or § 5–608 of this subtitle if committed in this State; or

(4) of any combination of these crimes.

(e) A person convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section is not prohibited from participating in a drug treatment program under § 8–507 of the Health – General Article because of the length of the sentence.

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